

## REMARKS

Claim 1 has been amended.

Claims 10-16 have been added.

Claims 1-16 are pending.

### **Claim Rejections**

#### 35 U.S.C. §103

The Office Action rejected Claims 1-7 and 9 under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. (US 6,421,726), hereafter "Kenner" in view of Applicant Admitted Prior Art, hereafter "AAPA".

Applicant respectfully traverses the rejection. Applicant first respectfully points out that the Office Action has mis-characterized AAPA. While Applicant does explain several attempts at including video e-mail, these systems fail to provide streaming video with e-mail. Specifically, there is no teaching or suggestion in Kenner or AAPA to provide streaming video with e-mail. In fact, AAPA actually teaches away from this technique. Applicant's AAPA specifically states the difficulty in which video data is transmitted, particularly in e-mail.

Furthermore, Kenner does not disclose many features of Applicant's claimed invention, such as, and more importantly, a smart server. While Kenner uses the term "smart mirror", Applicant submits that the meaning of this term simply refers to sites that have duplicate information, but that do not make a determination of optimized video format as in Applicant's claimed invention. Furthermore, the Office Action cites Col. 7 lines 18-20 of

Kenner as being the same element of Applicant's claimed invention, that is, "determining, when a client recipient computer accesses the system, a video player type residing on the client recipient computer and an optimum video stream format for the video player of the client recipient computer..." Although, col. 7, lines 18-20 does describe pre-determined video types, Applicant's claimed invention discloses not pre-determined video types, but rather a proprietary process for dynamically determining the optimum video format for a plurality of computers.

Applicant's claimed invention teaches a proprietary technique in which the video stream data is embedded into an e-mail web page in which e-mail text messages are simultaneously displayed with video stream data. Applicant has amended Claim 1 to further recite the novelty and non-obviousness of Applicant's claimed invention. Applicant submits that the e-mail web page optimized for viewing streamed video data is a non-obvious feature of Applicant's claimed invention. Applicant further submits that Claim 1 is now allowable. Applicant further submits that the rejection of Claims 2-7 and 9 are now moot because they depend from allowable Claim 1

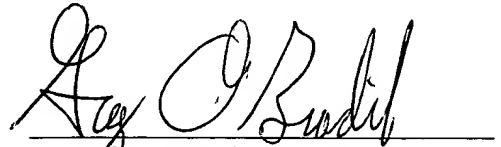
The Office Action rejected Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. (US 6,421,726), hereafter "Kenner" in view of Applicant Admitted Prior Art, hereafter "AAPA" as applied to claims 1-7 and 9 and further in view of Arazi et al. (US 5,966,120), hereafter "Arazi". Applicant submits that the rejection of Claim 8 is moot since it depends from allowable Claim 1.

#### **New Claims**

Applicant has included new Claims 10-16 that further recite the novelty and non-obviousness of Applicant's process residing on the smart server, support for which can be found in the specification.

If Examiner has any questions regarding this document, Applicant asks that Examiner contact the undersigned immediately by telephone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg O'Bradovich", written over a horizontal line.

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